

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Case No. 1:15-cv-00109-MR**

SANDRA M. PETERS, on behalf of)
herself and all others similarly situated,)
)
)
Plaintiff,)
v.)
)
AETNA INC., AETNA LIFE)
INSURANCE COMPANY, and)
OPTUMHEALTH CARE SOLUTIONS,)
INC.,)
)
Defendants.)
)

DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY

In accordance with Local Rule 7.1(j), Defendants submit this Notice of Supplemental Authority as further support for their opposition to Peters's motion for class certification.

In *Rocket Mortgage v. Alig*, No. 21-428, -- S.Ct. --, 2022 WL 89247 (Jan. 10, 2022), the Supreme Court vacated the Fourth Circuit's decision affirming class certification and remanded for further proceedings in light of *TransUnion v. Ramirez*, 141 S. Ct. 2190 (2021), a case in which the Court held that, among other things, statutory violations without more do not qualify as the concrete injury needed for Article III standing. *Id.* at 2205 (“Importantly, this Court has rejected the proposition that a plaintiff automatically satisfies the injury-in-fact requirement whenever a

statute grants a person a statutory right and purports to authorize that person to sue to vindicate that right.”) (internal quotation marks omitted).

In *Alig*, a putative class of mortgage applicants claimed that the defendant mortgage companies committed a procedural error in how they ordered home appraisals. *Alig v. Quicken Loans Inc.*, 990 F.3d 782 (4th Cir. 2021). The defendants argued that proposed class members did not suffer a concrete injury because the alleged error did not cause putative class members any personal financial harm. *Id.* at 791–92. The Fourth Circuit rejected the defendants’ arguments and affirmed class certification, reasoning that “there is simply not a large number of uninjured persons included within the plaintiffs’ class.” *Id.* at 792. On January 10, the Supreme Court vacated the Fourth Circuit’s decision and remanded for further proceedings in light of *TransUnion*.

Dated this 26th day of January, 2022.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on January 26, 2022, I filed and served a copy of the Defendants' Notice of Supplemental Authority using the CM/ECF system, which will give notice to counsel of record.

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